

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

SHERRY COKES, *et al.*,

Plaintiffs,

Case No. 3:24-cv-332

vs.

MARY ANN LUGER
STANSON, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendants.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. No. 2); (2) GRANTING PLAINTIFF SHERRY COKES'S MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* (Doc. No. 1); (3) DISMISSING PLAINTIFF COKES'S COMPLAINT PURSUANT TO 28 U.S.C. § 1915(e)(2) AND FEDERAL RULE OF CIVIL PROCEDURE 12(h)(3); (4) CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND FINDING THAT PLAINTIFF COKES SHOULD BE DENIED LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND (5) TERMINATING THIS CASE ON THE DOCKET

The Court has reviewed the Report and Recommendation of Magistrate Judge Peter B. Silvain, Jr. (Doc. No. 2), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, and construing Plaintiff Sherry Cokes's *pro se* allegations in her favor¹, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety; (2) **GRANTS** Plaintiff's motion for leave to proceed *in forma pauperis*; (3) **DISMISSES** Plaintiff Cokes's complaint pursuant to 28 U.S.C. § 1915(e)(2) and Federal Rule of Civil Procedure 12(h)(3); (4) **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that

¹ As with all *pro se* litigants, Plaintiff's documents and allegations are liberally construed in her favor. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*).

an appeal of this Order would not be taken in good faith, and finds that Plaintiff Cokes should be denied leave to appeal *in forma pauperis*; and (5) **TERMINATES** this case on the Court's docket.

IT IS SO ORDERED.

March 24, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge